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10/067,442	02/04/2002	Todd M. Lynton	**BA-0333	7358

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TODD M. LYNTON

_____

Appeal 2009-011885
Application 10/067,442
Technology Center 3600

_____

Before: HUBERT C. LORIN, JOSEPH A. FISCHETTI, and BIBHU R.
MOHANTY, *Administrative Patent Judges.*

FISCHETTI, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellant seeks our review under 35 U.S.C. § 134 (2002) from the
Examiner's final rejection of claims 1-8, 10, 12-19, 21, 23-28, 30-38, 42-49,
51, 53-58, and 60-72. Claims 9, 11, 20, 22, 29, 39-41, 50, 52, and 59 are
canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

THE CLAIMED INVENTION

Appellant claims a product registration system (Specification 2:1-3).
Claim 1 is illustrative of the claimed subject matter:

> 1. A computer-implemented method for registering a device,
> the method comprising steps of:
> (A) at the device, transmitting a registration request message to
> a registration server in response to input provided by a user of
> the device, wherein the input does not include information
> identifying the user; and
> (B) at the registration server, registering the device with a
> manufacturer of the device in response to receipt of the
> registration request message;
> wherein the registration request message does not include
> information identifying the user.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on
appeal is:

Howard	US 6,823,526 B2	Nov. 23, 2004

REJECTION

The following rejection is before us for review.

The Examiner rejected claims 1-8, 10, 12-19, 23-28, 30-38, 42-49, 51, 53-58, and 60-72 under 35 U.S.C. § 103(a) over Howard.

ISSUE

Did the Examiner err in rejecting claims 1-8, 10, 12-19, 23-28, 30-38, 42-49, 51, 53-58, and 60-72 under 35 U.S.C. § 103(a) over Howard as disclosing registering a device with a manufacturer since Howard discloses recording the identification of a connected device in a host computer registry?

FINDINGS OF FACT

We find the following facts by a preponderance of the evidence.

1. The Specification does not define or describe the term *registering*.

2. The ordinary and customary definition of the term registering, as defined by Merriam Webster's Collegiate Dictionary (10th ed.), is: "to make a record of."

3. Howard discloses that by "receiving a device identification string or 'device idstring', the host system 20 recognizes that the external device 30 is integrated with the host system 20 so that the external device 30 may properly receive instructions and applications from the host system 20." (Col. 4 ll. 15-19).

4. Howard discloses making a record of the device idstring in a registry database, where software "installer 22 reads a device idstring from the external device 30. By referencing the device idstring, the installer 22 writes identifier keys into the identifier key array 25 of the registry 24." (Col. 8 ll. 18-21).

5. Howard discloses the host system may include the Microsoft
    WINDOWS operating system. (Col. 7 ll. 10-13).

6. Howard discloses that connecting a device to a system initiates the
    registration process, because:

    > Preferably, instructions travel from the device hardware 38
    > through the engine code element 35 across the language code
    > element 34 to the i/o code element 33. In this manner, a device
    > idstring is sent from the device firmware 32 of each external
    > device 30 that is connected with the host system 20.

    (Col. 5 ll. 1-6).

    7. Howard discloses that: "[t]he installer 22 may also interactively

provide the user with merchandising information associated with the

external device 30, such as verification of warranty registration and software

license agreements."

(Col.7 ll. 35-39).

ANALYSIS
Claims 1, 4-8, 10, 12, and 13

We affirm the rejection of claims 1, 4-8, 10, 12, and 13. The

Appellant does not provide a substantive argument as to the separate

patentability of claims 4-8, 10, 12, and 13 that depend from claim 1 (Appeal

Br. 17), which is the sole independent claim among those claims. Therefore,

we address only claim 1. Claims 4-8, 10, 12, and 13 fall with claim 1. *See*,

37 C.F.R. § 41.37(c)(1)(vii) (2004).

Appellant argues Howard's registration "is an internal registration

within the host system and not an external registration with the manufacturer

of the device as required by the claim 1." (Appeal Br. 10).

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However, the Appellant's arguments fail from the outset because they are not based on limitations appearing in the claims and are not commensurate with the broader scope of claim 1 which does not require internal and external attributes of registration. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982).

Even if these terms were claim requirements, the claim would not distinguish over Howard for the following reasons.

First, in interpreting the claim language, *at the registration server, registering the device with a manufacturer of the device in response to receipt of the registration request message*, we find that the Specification does not define the term *registering* (FF 1), so we rely on the ordinary and customary meaning, which is: to make a record of something (FF 2).

Thus, we find that Howard discloses a system which *makes a record* of a "device idstring" value in a registry 24 transmitted from a device to a host system (FF 3), a software module, and an installer 22, on the host system (FF 3,4,6).

We further find that the registry 24 of Howard is part of the host system which is a Microsoft® WINDOWS operating system (FF 5). It is our understanding that other external devices participate in this operating system and these devices can be made by the same manufacturer of the operating system, e.g., a Microsoft® mouse device. We thus find that such a device would be recorded in the registry of a Microsoft® WINDOWS operating system in a manner similar to that disclosed by Howard (FF 6). We therefore find that when the host system records the "device idstring" value of such a device, the involved device becomes registered *with a manufacturer*, because the device is registered in the registry of the device's

manufacturer. In such a circumstance, registry occurs without user identification as this process is limited to device-to-device operating process (FF 6). In light of the breadth of the claim, the Appellant's argument is not persuasive as to error in the rejection.

Notwithstanding, even in the case where the host system and device do not share a common manufacturer, we find that given the ease with which communication between devices occurs across the Internet, we consider it within the skill of the ordinary artisan to effect registration of an external device with a manufacturer via the Internet, when predictably, the manufacturer would need device identification information, for example, to insure device warranty data is recorded for the device (FF 7). A prima facie conclusion of obviousness may be supported by a showing that the claims are directed to a process, machine, manufacture, or composition of matter already known in the prior art that is altered by the mere substitution of one element for another known in the field, and such modification yields a predictable result. *See, KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) (citing *United States v. Adams*, 383 U.S. 39, 40 (1966)).

Appellant argues Howard does not disclose all the claim limitations, because there is no "explanation as to how 'verification of warranty registration' by installer 22 of Howard means that the device would be registered with the manufacturer without including information identifying the user as required by claim 1." (Appeal Br. 9).

We are not persuaded by Appellant's argument because first, Appellant's argument seeks an explanation of how the manufacturer communication feature would be bodily incorporated into the system of

Howard, which is not the test for obviousness. See In re Keller, 642 F.2d 413, 425 (CCPA 1981).

Our Decision above sets forth how a person with ordinary skill in the art when looking at Howard would arrive at the claim requirements.

<center>Claims 14-19, 21, 22, 23, 24</center>

We affirm the rejection of independent claim 14. The Appellant does not provide a substantive argument as to the separate patentability of claims 15-19, 21, 22, 23, and 24 that depend from claim 14 (Appeal Br. 17). Therefore claims 15-18, 21, 22, 23, and 24 fall with claim 14. *See,* 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 14 is argued separately, but only with reference to the arguments set forth at claim 1 (Appeal Br. 11). We therefore affirm the rejection of claim 14 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 11).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer 22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim preamble.

<center>Claims 25, 28, 30</center>

We affirm the rejection of independent claim 25. The Appellant does not provide a substantive argument as to the separate patentability of claims 28 and 30 that depend from claim 25 (Appeal Br. 17). Therefore claims 28 and 30 fall with claim 25. *See,* 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 25 is argued separately, but only with reference to the arguments set forth at claim 1 (Appeal Br. 12). We therefore affirm the rejections of claim 25 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 12).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer 22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim language.

<center>Claims 31, 34-38, 42, 43</center>

We affirm the rejection of independent claim 31 is affirmed. The Appellant does not provide a substantive argument as to the separate patentability of claims 34-38, 42, and 43 that depend from claim 31 (Appeal Br. 17). Therefore claims 34-38, 42, and 43 fall with claim 31. *See*, 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 31 is argued separately, but with reference to the arguments set forth at claim 1 (Appeal Br. 13). We therefore affirm the rejections of claim 14 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 13).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer

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22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim language.

<div align="center">Claims 44-49, 51, 53, and 54</div>

We affirm the rejection of independent claim 44 is affirmed. The Appellant does not provide a substantive argument as to the separate patentability of claims 45-49, 51, 53, and 54 that depend from claim 44 (Appeal Br. 17). Therefore claims 45-49, 51, 53, and 54 fall with claim 44. *See*, 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 44 is argued separately, but with reference to the arguments set forth at claim 1 (Appeal Br. 14). We therefore affirm the rejections of claim 14 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 14).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer 22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim preamble.

<div align="center">Claims 55, 58, 60</div>

We affirm the rejection of independent claim 55 is affirmed. The Appellant does not provide a substantive argument as to the separate patentability of claims 58 and 60 that depend from claim 55 (Appeal Br. 17). Therefore claims 58 and 60 fall with claim 55. *See*, 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 55 is argued separately, but with reference to the arguments set forth at claim 1 (Appeal Br. 15). We therefore affirm the rejections of claim 14 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 15).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer 22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim language.

Claims 61, and 64-72

We affirm the rejection of independent claim 61 is affirmed. The Appellant does not provide a substantive argument as to the separate patentability of claims 64-72 that depend from claim 61 (Appeal Br. 17). Therefore claims 64-72 fall with claim 61. *See*, 37 C.F.R. § 41.37(c)(1)(vii) (2004).

Claim 61 is argued separately, but with reference to the arguments set forth at claim 1 (Appeal Br. 16). We therefore affirm the rejections of claim 14 for the same reasons set forth above at claim 1.

In addition, Appellant asserts, the "Examiner's case of obviousness involves the possible verification of a warranty which involves the use of installer 22 of Howard, not registry 24 which the Examiner identifies as the 'server.'" (Appeal Br. 16).

We are not persuaded of error by Appellant's assertion, because we find Howard discloses host computer 20, which includes software installer

22 that records information in registry 24 (FF 3, 4), is a *registration server*, thus meeting the claim language.

<div align="center">Claims 2, 3, 26, 27, 32, 33, 56, 57, 62, and 63</div>

Initially, we note that the Appellant argues dependent claims 2, 3, 26, 27, 32, 33, 56, 57, 62, and 63 together as a group. (App. Br. 16). We select representative claims 2 and 3 to decide the appeal of these claims, with remaining claims 26, 27, 32, 33, 56, 57, 62, and 63 standing or falling with claims 2 and 3, because claims 26, 32, 56, and 62 recite identical limitations as claim 2 and claims 27, 33, 57, and 63 recite identical limitations as claim 3.

Claim 2 recites, in pertinent part, *wherein the input comprises performance of only a single action by the user*. Claim 3 recites, in pertinent part, *wherein the input comprises the pressing of a button on the device*.

Appellant argues, "Howard does not teach or suggest that the input needed for registration of a device comprises performance of only a single action by the user such as the pressing of a button on the device." (Appeal Br. 16).

We are not persuaded of error by the Examiner because we find that Howard discloses that the process of recording device information in a registry is initiated by connecting the device to a system (FF 6). This is in keeping with the Examiner's finding of inherency in Plug-n-Play devices which require only a single action of pressing an "on" button (Answer 3-4).

<div align="center">CONCLUSIONS OF LAW</div>

The Examiner did not err in rejecting claims 1-8, 10, 12-19, 21, 23-28, 30-38, 42-49, 51, 53-58, and 60-72 under 35 U.S.C. § 103(a) over Howard.

DECISION

The Examiner's rejection of claims 1-8, 10, 12-19, 21, 23-28, 30-38, 42-49, 51, 53-58, and 60-72 under 35 U.S.C. § 103(a) is AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED.

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